



**Minutes for Meeting of
Thursday, January 21, 2010**

Item-1: Call to Order

Chairman Valdez called the meeting to order at 5:00 p.m.

Item-2: Roll Call

Present – Chairman Richard Valdez, Commissioners Lee Biddle, Guillermo Cabrera, Clyde Fuller, Dorothy Leonard and Larry Westfall

Staff – Executive Director Stacey Fulhorst, General Counsel Alison Adema, Program Manager Steve Ross, Senior Investigator Lauri Davis, Investigator Kacy Green, Auditor Rosalba Gomez, and Executive Secretary Kathy Hunt

Item-3: Approval of Commission Minutes

Approval of Ethics Commission Minutes of December 10, 2009

Motion: Approve

Moved/Seconded: Fuller/Leonard

Vote: Carried Unanimously

Item-4: Non-Agenda Public Comment

Chairman Valdez noted that Jacob Pyle and Drew McGuire submitted speaker slips requesting to speak on a matter concerning the *San Diego Safe Beaches Coalition*, and that Mr. McGuire asked if he could donate his time to Mr. Pyle. He stated that the Commission generally does not allow speakers to donate their time to another speaker, but that he would permit it in this instance because Mr. McGuire was planning to simply read the second half of prepared remarks after Mr. Pyle completed reading the first half.

Jacob Pyle commented that he is the former volunteer assistant treasurer for the *San Diego Safe Beaches Coalition* and is currently named as a respondent in an

Ethics Commission investigation of the committee. He requested that the Commission schedule the probable cause hearing in this matter as far as possible after February 23, to allow him time to prepare after taking the California Bar Exam. In addition, he requested that the Commission modify stipulations in two other enforcement matters by removing references to him personally and to the *San Diego Safe Beaches Coalition*.

Chairman Valdez clarified that the Commission would not be addressing his comments because the Commission's policy doesn't allow discussion of pending investigations.

Robert Rynearson representing the organization FreePB.org, asked the Commission to modify stipulations in two other enforcement matters by removing references to him personally and to FreePB.org.

Item-5: Commissioner Comment

Commissioner Cabrera announced that he is resigning from the Commission effective at the end of the March 11, 2010, Commission meeting. He noted that due to the City Council's inability to appoint or re-appoint commissioners, four of the current Commissioners are serving on expired terms. He hopes that his resignation will clear the way for appointments. He noted that his resignation letter to the Mayor includes recommended changes to the appointment process for the Ethics Commission.

Item-6: Executive Director Comment

None

Item-7: General Counsel Comment

None

Item-8: Presentation of Final Audit Report Regarding the Jan Goldsmith for City Attorney Committee

Commission Auditor Rosalba Gomez presented the Final Audit Report and advised that there were no material findings.

Motion: Accept Report

Moved/Seconded: Cabrera/Leonard

Vote: Carried Unanimously

Item-9: Adjournment to Closed Session

Chairman Valdez adjourned the meeting to Closed Session at approximately 5:20 p.m. He stated the Commission would reconvene into Open Session following the conclusion of Closed Session in order to report any action taken during the closed session portion of the meeting.

Reconvene to Open Session

Chairman Valdez called the meeting back into open session at 6:05 p.m.

Reporting Results of Closed Session Meeting of January 21, 2010

Chairman Valdez reported the results of the Closed Session Meeting of January 21, 2010.

Item-1: Conference with Legal Counsel (1 potential matter)

Case No. 2010-01- In Re: - Alleged Misuse of City Position

Motion: Dismiss

Vote: Carried Unanimously

Item-2: Conference with Legal Counsel (8 potential matters)

Case No. 2008-64 – In Re: Safe Beaches Coalition – Alleged Failure to File Campaign Statements

Motion: Ordered a Probable Cause Hearing and Authorized the issuance of a Probable Cause Report and Draft Administrative Complaint. Hearing scheduled for April 16, 2010, at 9:30 a.m.

Vote: Carried Unanimously

Case No. 2008-71 – In Re: - Alleged Failure to File Campaign Statements

No Reportable Action

Case No. 2009-48– In Re: - Alleged Failure to File Campaign Statements

No Reportable Action

Case No. 2009-96 – In Re: Alleged Failure to Disclose Economic Interests

Motion: Dismiss

Vote: Carried Unanimously

Case No. 2009-97 – In Re: Alleged Acceptance of Contributions in Violation of Contribution Limit and Source Restrictions

Motion: Dismiss

Vote: Carried Unanimously

Case No. 2009-98 – In Re: Todd Cardiff – Alleged Failure to Timely File Lobbying Disclosure Report

Motion: Ordered a Probable Cause Hearing and Authorized the issuance of a Probable Cause Report and Draft Administrative Complaint. Hearing scheduled for

April 16, 2010, at 9:00 a.m.
Vote: Carried Unanimously

Case No. 2009-99 – In Re: AECOM - Alleged Failure to Timely File Lobbying Disclosure Report

Motion: Approve Stipulation
Vote: Carried Unanimously

Case No. 2009-100 – In Re: Gerding Edlen - Alleged Failure to Timely File Lobbying Disclosure Report

Motion: Approve Stipulation
Vote: Carried Unanimously

Item-3: Conference with Legal Counsel (1 potential matter)

Case No. 2008-54 – In Re: Nancy Graham - Alleged Participation in Municipal Decisions Involving Economic Interests

No Reportable Action

Item-4: Conference with Legal Counsel (1 potential matter)

Case No. 2008-73 – In Re: Marti Emerald - Alleged Failure to Disclose Accrued Expenses

No Reportable Action

Item 5: Conference with Legal Counsel (1 potential matter)

Luis Acle v. City of San Diego Ethics Commission, San Diego Superior Court Case No. 37-2008-00094460-CU-WM-CTL)

No Reportable Action

Adjournment

The meeting adjourned at approximately 6:10 p.m.

Richard Valdez, Commission Chair
Ethics Commission

Katherine Hunt, Executive Secretary
Ethics Commission

THIS INFORMATION WILL BE MADE AVAILABLE IN ALTERNATIVE FORMATS UPON REQUEST.